

Message Text

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PAGE 01 OECD P 09115 122312Z

61

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SUBJECT: MEETINGS OF RESTRICTIVE BUSINESS PRACTICES

WORKING PARTIES, MARCH 26-28, 1974

1. SUMMARY. THIS MESSAGE REPORTS RESULTS OF RBP
WORKING PARTY MEETINGS ON MULTINATIONAL ENTERPRISES,
PATENTS, AND MERGERS. END SUMMARY

2. WORKING PARTY 11 ON MULTINATIONAL ENTERPRISES AGREED
TO AN INTERIM REPORT ON ITS WORK, WHICH WILL BE SUB-
MITTED TO JUNE 12-14 MEETING OF RESTRICTIVE BUSINESS
PRACTICES COMMITTEE. REPORT, WHICH DRAWS HEAVILY ON
RBP(72)L, INDICATES THAT MNC'S MIGHT CAUSE COMPETITIVE
PROBLEMS, POSSIBLY COMBINED WITH JURISDICTIONAL
PROBLEMS IN OBTAINING INFORMATION OR RELIEF. GUIDE-
LINES WERE DISCUSSED AS BEING ONE USEFUL APPROACH,
ALONG WITH STRENGTHENING OF NATIONAL RBP LAWS ALONG
LINES OF US ANTITRUST LAW AND FURTHER STUDY OF AN
INTERNATIONAL ANTITRUST CODE AS AN EVENTUAL SOLUTION
TO JURISDICTIONAL PROBLEMS. NO PARTICULAR GUIDELINES
WERE ADOPTED OR SET FORTH IN THE REPORT. GROUP AGREED
THAT ISSUES OF EFFECT OF MNC'S ON TAXES, TRANSFER
PRICES, LOCAL R&D DEVELOPMENT OR EXPORT OPPORTUNITIES,
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PAGE 02 OECD P 09115 122312Z

ETC. WERE INAPPROPRIATE FOR INCLUSION IN REPORT BY RBP

COMMITTEE, AND ALL SUCH REFERENCES OR PROPOSED GUIDELINES WERE DELETED. WP 11 DISCUSSED QUESTIONNAIRE RE MNC'S BUT WAS UNABLE TO REACH FINAL AGREEMENT. WP AGREED THAT IT WOULD NOT INCLUDE REQUEST FOR STATISTICS, RELYING INSTEAD ON DATA TO BE OBTAINED BY INDUSTRY COMMITTEE OR PUBLICLY AVAILABLE FACTS. WP 11 DOES NOT PLAN TO MEET IN MAY BUT WILL MEET IN OCTOBER TO COMPLETE QUESTIONNAIRE.

3. WORKING PARTY 7 ON PATENTS AGREED TO EXPRESS TO FULL COMMITTEE OF EXPERTS ITS DESIRE TO CHANGE ITS TITLE TO INCLUDE ALL RBP ISSUES RE COMMERCIAL AND INTELLECTUAL PROPERTY. BY END OF MAY MEMBERS WILL SUBMIT TOPICS FOR DISCUSSION AT OCTOBER MEETING, AND ALSO SHORT SUMMARY OF THEIR NATIONAL TRADEMARK AND COPYRIGHT LAWS AND THEIR RELATION TO RBP.

4. WORKING PARTY 9 ON MERGERS AGREED ON REPORT WHICH WILL GO TO PLENARY COMMITTEE FOR APPROVAL. CONCLUSION URGES NATIONS WITHOUT ONE TO CONSIDER ADOPTION OF SYSTEM OF MERGER CONTROL, PROMISES EXCHANGES OF SOME AVAILABLE MERGER DATA. GROUP UNCERTAIN WHETHER TO MEET NEXT OCTOBER; MEMBERS WILL WRITE SECRETARIAT BY END OF MAY IF THEY HAVE NEW BUSINESS JUSTIFYING AN OCTOBER MEETING.

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